APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,706	06/02/2006	Taro Katayama	OKUDP0155US	2919

51921   7590   07/29/2010

MARK D. SARALINO (PAN)
RENNER, OTTO, BOISSELLE & SKLAR, LLP
1621 EUCLID AVENUE
19TH FLOOR
CLEVELAND, OH 44115

EXAMINER
ANYIKIRE, CHIKAODILI E

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
07/29/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>02 June 2006</u>.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-16</u> is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) <u>1-16</u> is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on <u>02 June 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☒ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
  * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1.   This application is responsive to application number (10/561706) filed on June 2,

2006. Claims 1-16 are pending and have been examined.

Information Disclosure Statement

2.   Acknowledgement is made of applicant's information disclosure statement.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4.   The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining

obviousness under 35 U.S.C. 103(a) are summarized as follows:

  1.   Determining the scope and contents of the prior art.
  2.   Ascertaining the differences between the prior art and the claims at issue.
  3.   Resolving the level of ordinary skill in the pertinent art.
  4.   Considering objective evidence present in the application indicating obviousness or nonobviousness.

5.   Claims 1-16 rejected under 35 U.S.C. 103(a) as being unpatentable over

Takamori et al (US 6,041,067, hereafter Takamori) in view of Suzuki (US 5,808,722).

As per **claim 1**, Takamori discloses a data processor for playing back video and audio from a data stream including video data and audio data, each of the video and audio data being provided with time information representing its presentation time, the data processor comprising:

an inserting section (Fig 9 element 701) for inserting boundary-setting dummy data into a data location where the first and second data streams switch each other (column 27 lines 9 – 20);

an analyzing section (Fig 9 element 704), which detects the dummy data, assigns different pieces of identification information to the first and second data streams, and associates the identification information with the video and audio data of each said data stream (column 27 lines 9 – 30);

a control section (Fig 9 element 711) for controlling the respective output timings of video represented by video data and audio represented by audio data by reference to the time information of the video data and the time information of the audio data that are associated with the same piece of identification information; and an output section for outputting the video and the audio at the output timings (column 27 lines 32 – 53).

However, Takamori does not explicitly teach a stream acquiring section for acquiring a first data stream and a second data stream continuously.

In the same field of endeavor, Suzuki teaches teach a stream acquiring section for acquiring a first data stream and a second data stream continuously (column 11 lines 54 – 66).

Therefore, it would have been obvious for one having skill in the ordinary art at the time of the invention to modify the invention of Takamori in view of Suzuki. The advantage would be a means for efficient synchronization of the video and audio data.

As per **claim 2,** Takamori teaches the data processor of claim 1.

However, Takamori does not explicitly teach wherein the control section finds the respective presentation end times of the video and the audio of the first data stream according to the time information added to the video data and the time information added to the audio data, and wherein if the presentation end time of the audio is later than that of the video, the control section stops outputting the audio from the presentation end time of the video through the presentation end time of the audio.

In the same field of endeavor, Suzuki teaches wherein the control section finds the respective presentation end times of the video and the audio of the first data stream according to the time information added to the video data and the time information added to the audio data, and wherein if the presentation end time of the audio is later than that of the video, the control section stops outputting the audio from the presentation end time of the video through the presentation end time of the audio (column 6 lines 25 – 67).

Therefore, it would have been obvious for one having skill in the art at the time of the invention to modify the invention of Takamori in view of Suzuki. The advantage would be a means for efficient synchronization of the video and audio data.

As per **claim 3**, Takamori teaches the data processor of claim 1.

However, Takamori does not explicitly teach wherein the control section finds the respective presentation start times of the video and the audio of the second data stream according to the time information added to the video data and the time information added to the audio data, and wherein if the presentation start time of the audio is earlier than that of the video, the control section stops outputting the audio from the presentation start time of the audio through the presentation start time of the video.

In the same field of endeavor, Suzuki teaches wherein the control section finds the respective presentation start times of the video and the audio of the second data stream according to the time information added to the video data and the time information added to the audio data, and wherein if the presentation start time of the audio is earlier than that of the video, the control section stops outputting the audio from the presentation start time of the audio through the presentation start time of the video (column 6 lines 25 – 67).

Therefore, it would have been obvious for one having skill in the art at the time of the invention to modify the invention of Takamori in view of Suzuki. The advantage would be a means for efficient synchronization of the video and audio data.

As per **claim 4**, Takamori discloses the data processor of claim 1, wherein when finding given video data and audio data associated with different pieces of identification information, the control section gets only the video represented by the video data output first, and wherein when finding video data, obtained after the video has been played back, and the audio data associated with the same piece of identification information,

the control section controls the output timings of the video represented by the video data and the audio represented by the audio data in accordance with the time information of the video data and the time information of the audio data that are associated with the same piece of identification information (Fig 9 element 707; column 27 lines 20 – 24 and column 38 – 47).

As per **claim 5**, Takamori discloses the data processor of claim 1, wherein the stream acquiring section is able to acquire three or more data streams continuously, and wherein the inserting section inserts dummy data, which has monotonically increasing or decreasing values corresponding to the identification information, into every data location where associated two of the continuously acquired data stream switch each other (Fig 9 element 707; column 27 lines 20 – 24 and column 38 – 47).

As per **claim 6**, Takamori discloses the data processor of claim 5.

However, Takamori does not explicitly teach wherein when finding the piece of identification information associated with the audio data agreeing with a piece of identification information associated with video data representing video that was output in the past, the control section stops outputting audio represented by the audio data and starts outputting audio represented by audio data having the same piece of identification information as that associated with the video data of the video being output currently.

In the same field of endeavor, Suzuki teaches wherein when finding the piece of identification information associated with the audio data agreeing with a piece of identification information associated with video data representing video that was output

in the past, the control section stops outputting audio represented by the audio data and starts outputting audio represented by audio data having the same piece of identification information as that associated with the video data of the video being output currently (column 6 lines 25 – 67).

Therefore, it would have been obvious for one having skill in the art at the time of the invention to modify the invention of Takamori in view of Suzuki. The advantage would be a means for efficient synchronization of the video and audio data.

As per **claim 7**, Takamori discloses the data processor of claim 1.

However, Takamori does not explicitly teach wherein when; finding the piece of identification information associated with the audio data agreeing with a piece of identification information associated with video data representing video that has not been output yet, the control section stops outputting audio represented by the audio data and does not start outputting the audio represented by the audio data until the piece of identification information agrees with a piece of identification information associated with video data acquired afterward.

In the same field of endeavor, Suzuki teaches wherein when; finding the piece of identification information associated with the audio data agreeing with a piece of identification information associated with video data representing video that has not been output yet, the control section stops outputting audio represented by the audio data and does not start outputting the audio represented by the audio data until the

piece of identification information agrees with a piece of identification information associated with video data acquired afterward (column 6 lines 25 – 67).

Therefore, it would have been obvious for one having skill in the art at the time of the invention to modify the invention of Takamori in view of Suzuki. The advantage would be a means for efficient synchronization of the video and audio data.

As per **claim 8**, Takamori discloses the data processor of claim 1, wherein each said data stream has a packet structure including packets that store video data and packets that store audio data, and wherein the inserting section inserts the boundary-setting dummy packet between the last packet of the first data stream and the first packet of the second data stream (column 1 lines 48 – 52).

Regarding **claim 9**, arguments analogous to those presented for claim 1 are applicable for claim 9.

Regarding **claim 10**, arguments analogous to those presented for claim 2 are applicable for claim 10.

Regarding **claim 11**, arguments analogous to those presented for claim 3 are applicable for claim 11.

Regarding **claim 12**, arguments analogous to those presented for claim 4 are applicable for claim 12.

Regarding **claim 13**, arguments analogous to those presented for claim 5 are applicable for claim 13.

Regarding **claim 14**, arguments analogous to those presented for claim 6 are applicable for claim 14.

Regarding **claim 15**, arguments analogous to those presented for claim 7 are applicable for claim 15.

Regarding **claim 16**, arguments analogous to those presented for claim 8 are applicable for claim 16.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHIKAODILI E. ANYIKIRE whose telephone number is (571)270-1445. The examiner can normally be reached on Monday to Friday, 7:30 am to 5 pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marsha D. Banks-Harold can be reached on (571) 272 - 7905. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Marsha D. Banks-Harold/
Supervisory Patent Examiner, Art Unit 2621

/Chikaodili Anyikire/
Patent Examiner AU 2621